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30     Automobiles N.V., FCA US LLC, Sergio  
31     Marchionne, VM Motori S.p.A., and  
32     VM North America, Inc.*

33     *Counsel for the United States*

34     [Additional counsel on signature pages]

35     **UNITED STATES DISTRICT COURT**  
36     **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
37     **SAN FRANCISCO DIVISION**

38     IN RE : CHRYSLER-DODGE-JEEP  
39     ECODIESEL MARKETING, SALES  
40     PRACTICES, AND PRODUCTS  
41     LIABILITY LITIGATION

42     Case No. 3:17-md-02777-EMC

43     **AGREED STIPULATION AND**  
44     **[PROPOSED] ORDER CONCERNING**  
45     **PIRNIK PLAINTIFFS**

46     The Honorable Edward M. Chen

47     AGREED STIPULATION AND [PROPOSED]  
48     ORDER CONCERNING PIRNIK PLAINTIFFS  
49     CASE NO. 3:17-MD-02777-EMC

1                   WHEREAS, in an attempt to facilitate the reasonable coordination of depositions  
2 with the plaintiffs in *Pirnik et al. v. Fiat Chrysler Automobiles, N.V. et al.*, No. 15 Civ. 7199  
3 (S.D.N.Y.) (Furman, J.) (see Order at *Pirnik* ECF No. 200), who have brought emissions-related  
4 and other claims against Fiat Chrysler Automobiles N.V., FCA US LLC and others, the Parties  
5 to this multidistrict litigation (“MDL”) have met and conferred and agree that counsel for the  
6 *Pirnik* Plaintiffs may attend certain depositions of the FCA Defendants noticed in this MDL and  
7 as agreed upon by the MDL Parties;

8                   WHEREAS, the Parties enter this Stipulation and [Proposed] Order to ensure the  
9 protection of any Protected Material, as defined in the Stipulated Protective Order known as  
10 Pretrial Order 10 (“Protective Order”; ECF No. 212), that is used in or disclosed during any such  
11 depositions, and to also ensure that the Parties to this MDL may use Protected Material at any  
12 such depositions;

13                   WHEREAS, nothing in this Stipulation itself entitles the *Pirnik* Plaintiffs to attend  
14 depositions in this MDL or to receive or obtain Protected Material except such Protected  
15 Material as may be used or disclosed at any such MDL depositions that the *Pirnik* Plaintiffs may  
16 attend; and

17                   WHEREAS, the *Pirnik* Plaintiffs have signed Exhibit A of the Protective Order  
18 and agree to treat any such Protected Material in accordance with the terms of the Protective  
19 Order.

20                   NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
21 among the Parties, and subject to the approval of the Court:

22                   1. Notwithstanding anything to the contrary in the Protective Order, the  
23 Parties to this MDL may use Protected Material at depositions attended by counsel for the *Pirnik*  
24 Plaintiffs without requiring that counsel for the *Pirnik* Plaintiffs be excused.

25                   2. For the limited purposes of facilitating the attendance of counsel for the  
26 *Pirnik* Plaintiffs at certain MDL depositions, counsel for the *Pirnik* Plaintiffs shall be considered  
27 persons to whom the MDL Parties may disclose Protected Material under Sections 7.2.1 and 7.3

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1 of the Protective Order (and *Pirnik* shall be treated as an “Action” under Section 2.1 of the  
2 Protective Order) during their attendance at such a deposition, and shall be bound by the terms of  
3 the Protective Order for all Protected Material used or disclosed at the MDL depositions they  
4 attend.

5                   3. Counsel for the *Pirnik* Plaintiffs shall be bound by the terms of Section I  
6 (Protection of Privileges) of the Stipulated Non-Waiver of Privileges Order, known as Pretrial  
7 Order 13 (ECF No. 246), for all Protected Material used or disclosed at the MDL depositions  
8 they attend.

9                   4. A Receiving Party, as defined in the Protective Order, shall not disclose  
10 Protected Material to counsel for the *Pirnik* Plaintiffs except such material as may be required to  
11 be used for the examination of a deponent during a deposition in which it is agreed or ordered  
12 that counsel for the *Pirnik* Plaintiffs may attend. Counsel for the *Pirnik* Plaintiffs shall not rely  
13 on this Order as the basis to argue in any court their entitlement to obtain or to use Protected  
14 Material other than Protected Material that is shared with counsel for the *Pirnik* Plaintiffs in  
15 accordance with this Paragraph. Counsel for the *Pirnik* Plaintiffs also shall not rely on this Order  
16 as the basis to argue that they are entitled to attend depositions noticed in this MDL without the  
17 agreement of the Parties to the MDL or a court order.

18                   **SO STIPULATED.**

19                   Dated: June 5, 2018

20                   Respectfully submitted,

21                   \_\_\_\_\_  
22                   /s/ *Elizabeth J. Cabraser*  
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26                   *Plaintiffs’ Lead Counsel and Chair of the*  
27                   *Plaintiffs’ Steering Committee*

28                   AGREED STIPULATION AND [PROPOSED]  
                    ORDER CONCERNING *PIRNK* PLAINTIFFS  
                    CASE NO. 3:17-MD-02777-EMC

1 Dated: June 5, 2018

Respectfully submitted,

2 /s/ Leigh P. Rendé

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10 *Government Coordinating Counsel*

11 Dated: June 5, 2018

12 Respectfully submitted,

13 /s/ Jeremy A. Lieberman

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23 Dated: June 5, 2018

24 Respectfully submitted,

25 /s/ Robert J. Giuffra, Jr.

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30 Automobiles N.V., FCA US LLC, Sergio  
31 Marchionne, VM Motori S.p.A., and  
32 VM North America, Inc.*

33 AGREED STIPULATION AND [PROPOSED]  
34 ORDER CONCERNING PIRNIK PLAINTIFFS  
35 CASE NO. 3:17-MD-02777-EMC

1 Dated: June 5, 2018

Respectfully submitted,

2 /s/ Matthew D. Slater

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7 *Counsel for Robert Bosch LLC and Robert  
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[PROPOSED] ORDER  
CONCERNING PIRNIK PLAINTIFFS

Based on the foregoing Stipulation, the Court GRANTS the Parties' Agreed Stipulation Concerning *Pirnik* Plaintiffs.

IT IS SO ORDERED.

DATED: 6/1, 2018.

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Edward M. Chen  
United States District Judge

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest the concurrence in the filing of this document has been obtained from the signatories.

DATED: June 5, 2018.

/s/ William B. Monahan  
William B. Monahan

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 5, 2018, a true and correct copy of the foregoing was electronically filed and served electronically via the Court's CM/ECF system, which will automatically serve notice to all registered counsel of record.

/s/ William B. Monahan  
William B. Monahan

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